

2. Your remarks about auction sales and valuation of property by *amins* will be brought to the notice of the High Court.

3. In the matter of affidavits, I am afraid, the Government cannot accept your suggestion that these should be done away with.

36. Civil Courts in Shencotta.

MR. L. ADIVARAHA AIYAR (*Member, Shencotta taluk*) asked for the enhancement of the pecuniary jurisdiction of the Munsiff at Shencotta as in the case of the Devicolam Munsiff. The geographical position of the taluk, the language spoken, the manners and customs of the people and their social habits were different and the taluk deserved special consideration. Property suits were very rare. The recent order of the Government that the local Munsiff should be conversant with Tamil was welcomed by the people, but the District Judge at Quilon to whom they had to resort in cases of the value of more than Rs. 2,000 was usually ignorant of Tamil. The climate of Quilon deterred witnesses, etc. from going there. The work of the Munsiff was light; and the average annual number of suits to the value between Rs. 2,000 and Rs. 5,000 filed from the taluk in the Quilon District Court was only nine.

Considerable difficulty was experienced by clients in getting affidavits signed by proper persons and the authority to administer the oath was often abused. The present system did not bind the petitioner any more than the old. The duty of presenting an affidavit was now solely cast on vakils' clerks who would swear as to facts known and unknown and in most cases even without any information from the parties.

Processes from British Indian courts to persons in Travancore were sent direct by the British Indian courts to the court within whose jurisdiction the persons resided. The Munsiffs in Travancore were however obliged to send processes to be served on persons resident in British India to the District Judge who forwarded them to the District Court in British India for transmission to the Munsiff concerned. This circuitous procedure caused unnecessary delay, and the people of Shencotta who had greater dealings with British India felt the difficulty keenly. The Munsiffs in Travancore should therefore be authorised to send their processes *direct* to the Munsiffs' courts in British India.

British Indian courts had fortnightly statements of unexpended *batta* published so as to enable the parties to claim refunds. In the absence of facilities here to know the exact amounts due, parties were unable to put in their claims and large sums of money annually lapsed to the Government. The practice in British India should be adopted here.

The people of Shencotta were thankful for the institution of the Village Panchayat Court, but were afraid that the principle of communal representation apparently followed in the appointment of judges might prove detrimental to efficiency. Communal considerations ought not to weigh with the Government in making honorary appointments.

In order to attract competent and qualified men to the clerical staff of Panchayat Courts, it should be included in the *cadre* of the ministerial staff of the Judicial Department and the claims of its members recognised for promotion to suitable vacancies in Munsiffs' courts, etc.

DEWAN'S REPLY: Mr. Adivaraha Aiyar, your representation regarding the pecuniary jurisdiction of the Munsiff's court at Shencotta being raised is not at present feasible as the High Court do not see the necessity for giving effect to your proposal. Perhaps the Laws Delays Committee will look into it.

2. Your views in regard to the Shencotta Village Panchayat Court will receive consideration and your suggestions in regard to the direct service of processes between the Munsiffs' courts in Travancore and those in British India will be conveyed to the High Court for an expression of their views.

3. Similarly, what you say about unexpended *batta* will also be referred to the High Court.